**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

CHAMBER SUMMONS NO.241 OF 2005
IN
SUIT NO.434 OF 2003

Mardia Chemicals Ltd. ..Applicants.
Vs.
1. The Court Receiver High Court Bombay.
2. ICICI Bank Ltd. and ors.
..Defendants.

Mr. A.W. Ansari i/by B.B. Parekh for the plaintiff/applicants.

Mr.Sachin Chandrana i/by Manilal Kher Ambalal for the plaintiff.

Ms.Deshpande i/by M/s. M.S. Bodhamwala for the Defendant Nos. 4 and 6.

**CORAM : A.M. KHANWILKAR, J.**
**DATED : 14/6/2005**

**P.C.:**

1. The counsel for the applicant states that he may be permitted to withdraw this chamber summons with liberty to file fresh one for the same reliefs. The reason for doing so as stated by the counsel is that the applicant would like to place on record further factual details. In my opinion, merely because the applicant wants to incorporate further facts that can be no reason to permit the applicant to withdraw this chamber summons with liberty as prayed. It

will be open to the applicant to file further affidavit if so advised giving necessary details. The applicant shall serve the defendants and respondents copy of the present application as well as further affidavit if any on or before 17.6.2005 and failing to file affidavit of service in this court stating the fact that the application as well as further affidavit is served, chamber summons to stand dismissed for non prosecution without further reference to the court. If the above compliance is made, chamber summons be listed on 5.7.2005. Parties to exchange their pleadings on or before 29.6.2005. As the matter is required to be adjourned at the instance of the applicant for the aforesaid reason, applicant shall pay costs quantified at Rs.750/- to the High Court Legal Service Authority on or before 16.6.2005 failing which this chamber summons shall stand dismissed for non prosecution without further reference to the court.

**(A.M. KHANWILKAR,J.)**